

1 Michele R. Stafford, Esq. (SBN 172509)
 2 Shaamini A. Babu, Esq. (SBN 230704)
 3 SALTZMAN & JOHNSON LAW
 CORPORATION
 4 44 Montgomery Street, Suite 2110
 San Francisco, CA 94104
 (415) 882-7900 phone
 (415) 882-9287 fax
 5 mstafford@sjlawcorp.com
 sbabu@sjlawcorp.com
 6 Attorneys for Plaintiffs

7 Roger M. Mason, Esq.
 8 SWEENEY, MASON, WILSON &
 BOSOMWORTH
 9 983 University Avenue, Suite 104C
 Los Gatos, CA 95032-7637
 408-356-3000 phone
 408-354-8839 fax
 10 Email: RMason@smwb.com
 11 Attorneys for Defendant Gilroy Construction, Inc.

Amy Jensen (SBN 226589)
 Hinshaw & Culbertson LLP
 One California Street, 18th Floor
 San Francisco, CA 94111
 415-362-6000 phone
 415-834-9070 fax
 ajensen@hinshawlaw.com
 Attorneys for Defendants Vincent Giacalone
 and Lisa Giacalone

12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 F.G. CROSTHWAITE, et al.,

15 Plaintiffs,

16 vs.

17 GIACALONE ELECTRICAL SERVICES,
 INC., et al.,

18 Defendants.

Case No.: C12-6178 SI

**STIPULATED REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

CMC: 1/17/14
 Time: 3:00 pm
 Ctrm: 10 (19th Floor)
 Location: 450 Golden Gate Avenue
 San Francisco, CA
 Judge Honorable Susan Illston

21 PENSION PLAN FOR PENSION TRUST
 22 FUND FOR OPERATING ENGINEERS, et
 al.,

23 Plaintiffs,

24 vs.

25 GIACALONE ELECTRICAL SERVICES,
 26 INC., et al.,

27 Defendants.

Case No.: CV 13-02338-SI

**STIPULATED REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE**

CMC: 1/17/14
 Time: 3:00 pm
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 San Francisco, CA
 Judge Honorable Susan Illston

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1 In accordance with Rule 16 and 26(f) of the Federal Rules of Civil Procedure, Northern
2 District Local Rule 16-9, Standing Order for All Judges of the Northern District of California, and
3 Honorable Susan Illston's Case Management Order, the parties hereto submit this Stipulated
4 Request to Continue the Case Management Conference.

5 **Related Actions**

6 1. On June 18, 2013, the Court related *Crosthwaite v. Giacalone Electrical Services,*
7 *Inc., et al.*, Case No. CV12-6178 SI ("Contributions Action") to *Pension Plan for Pension Trust*
8 *Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No.
9 CV13-2338 ("Withdrawal Liability Action"). Docket No. 38.

10 2. In the Contributions Action, Plaintiffs seek delinquent contributions and other
11 related sums in excess of \$850,000 found due to the Operating Engineers Trust Funds ("Trust
12 Funds") upon audit of the records of Defendant Giacalone Electrical Services, Inc. ("Giacalone
13 Electrical") for the time period January 1, 2005, through July 24, 2009.

14 3. In the Withdrawal Liability Action, Plaintiffs seek withdrawal liability of
15 \$2,231,762 and other related sums as a result of Defendant Giacalone Electrical's withdrawal from
16 the Pension Plan for Pension Trust Fund for Operating Engineers ("Plan").

17 **Defendants**

18 4. Defendant Giacalone Electrical was named in the Contributions Action and the
19 Withdrawal Liability Action, and the Court entered default against said defendant in both actions.
20 Docket. Nos. 33 and 22, respectively.

21 5. Defendants Giacalone McDermott Management, LLC, Luchessa Road, LLC,
22 Ronan Avenue Investors, LLC were named only in the Withdrawal Liability Action, and the Court
23 entered default against said defendants. Docket Nos. 22, and 30.

24 6. Defendant Giacalone Design Services, Inc. was only named in the Contributions
25 Action and has been dismissed. Docket No. 54.

26 7. Defendants VLG2, LLC, and Crow Court LLC, were only named in the
27 Withdrawal Liability Action and have been dismissed. Docket No. 39.

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1 8. A mediation was held on December 11, 2013, with court appointed mediator James
2 Fleming. Plaintiffs and Defendants Gilroy Construction, Inc., Vincent Giacalone and Lisa
3 Giacalone participated in the mediation.

4 9. As a result of the mediation Plaintiffs and Defendant Gilroy agreed to a settlement.
5 Docket No. 56. The execution of the settlement agreement is pending and upon full and timely
6 satisfaction of the terms of the settlement agreement Defendant Gilroy will be dismissed from the
7 Contributions Action and the Withdrawal Liability Action.

8 10. Defendants Vincent Giacalone and Lisa Giacalone were only named it the
9 Withdrawal Liability Action. Plaintiffs and Defendants Vincent Giacalone and Lisa Giacalone
10 will continue settlement negotiations. Docket No. 56. Plaintiffs anticipate subpoenaing further
11 documents from their accountant and/or taking his deposition in order to facilitate settlement
12 discussions.

13 11. There are no other Defendants named in either action.

14 12. After further settlement negotiations and upon completion of any further necessary
15 written discovery and depositions, Plaintiffs and the remaining Defendants will decide if any
16 motion work is required.

17 13. Based on the foregoing, the parties who have appeared in this action and not been
18 defaulted or dismissed hereby request to continue the Case Management Conference to Friday
19 March 21, 2014, at 3:00 p.m.

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21 Dated: January 7, 2014

SALTZMAN & JOHNSON LAW CORPORATION

22
23 By: _____/s/
24 Shaamini A. Babu, Esq.
25 Attorney for Plaintiffs
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1 Dated: January 7, 2014

SWEENEY, MASON, WILSON & BOSOMWORTH

2
3 By: /s/
Roger M. Mason
4 Attorneys for Defendant Gilroy Construction, Inc.

5 Dated: January 17, 2017

HINSHAW CULBERSTON LLP


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7 By: /s/
Amy Jensen, Esq.
8 Attorneys for Defendants for Vincent Giacalone
9 and Lisa Giacalone

10
11 **ORDER**

12 IT IS SO ORDERED.

13 Based on the foregoing and good cause appearing, the Case Management Conference is
14 continued to Friday March ²⁸~~21~~, 2014, at 3:00 p.m. The parties who have appeared in this action
15 and not been defaulted or dismissed must file a Case Management Conference Statement by
16 Friday March ²¹~~14~~, 2014.

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19 Date: 1/13/14



20 THE HONORABLE SUSAN ILLSTON
21 UNITED STATES DISTRICT COURT JUDGE
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